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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THOMAS BROWN,

Plaintiff

v.

AUTOMOBILI LAMBORGHINI AMERICA,
LLC, a Delaware limited liability company;
FINDLAY DIGUILIO, LLC, d/b/a
LAMBORGHINI LAS VEGAS, a/k/a Findlay
Automotive Property,

Defendants

Case No. 2:23-cv-01415-CDS-BNW

**Order Approving Stipulation to
Reopen Motion to Dismiss and Set
Briefing Schedule**

[ECF No. 35]

Plaintiff Thomas Brown and defendants Automobili Lamborghini America, LLC, and Findlay Diguilio, stipulate to re-activate Defendants' motion to dismiss [ECF No. 11] and set the following briefing schedule as follows:

1. On October 11, 2023, Defendants moved to dismiss the complaint.¹
2. The parties then agreed to participate in the BBB Auto Line Program as required by the warranty. The parties stipulated to extend the briefing deadline pending dispute resolution.²

¹ ECF No. 11.

² ECF No. 21.

3. Based on that stipulation, the Court denied the motion to dismiss without prejudice and held “[i]f the ADR negotiations are unsuccessful, the parties may file a stipulation to reactivate the motion and set a briefing schedule.”³

4. The parties arbitrated the matter through the BBB Auto Line program. The arbitrator found in favor of Defendants, which gave Plaintiff until February 27, 2025, to accept or reject the arbitrator’s decision.⁴

5. Plaintiff rejected the arbitrator’s decision and intends to resume litigating this matter.⁵

6. The parties now request, under this Court’s order, that this Court re-activate Defendants’ motion and set the following briefing schedule:

a. Plaintiff’s response: April 18, 2025

b. Defendants’ reply: May 2, 2025

7. This request is made in good faith and not for the purpose of delay.

8. The parties have agreed to the relief requested.

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³ ECF No. 22 at 2.

⁴ ECF No. 31 at 1.

⁵ ECF No. 33 at 2.

Thus, the parties respectfully request that this Court re-activate the motion to dismiss and set the above briefing schedule.

IT IS SO STIPULATED.

DATED: March 27, 2025.

DATED: March 27, 2025

RAY QUINNEY & NEBEKKER P.C.

SNELL & WILMER L.L.P.

By: /s/ Gregory Roberts

By: /s/ Christian Ogata

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ORDER

Good cause appearing, IT IS HEREBY ORDERED, that the parties' stipulation [ECF No. 35] is approved. The Clerk of Court is kindly directed to reopen defendants' motion to dismiss the amended complaint (ECF No. 11).

IT IS FURTHER ORDERED that plaintiff's response is due by **April 18, 2025**. Any reply is due by **May 2, 2025**.


UNITED STATES DISTRICT JUDGE

Dated: March 31, 2025

Snell & Wilmer

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